

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-05-0113 LKK JFM

vs.

SERGIO CURIEL, SR.,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The district court referred this case to the undersigned by order filed April 28, 2008.

Movant has filed a request to proceed in forma pauperis. Examination of the in forma pauperis affidavit reveals that movant is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

On April 21, 2008, movant filed a motion for leave to amend his § 2255 motion. Movant's motion was not, however, accompanied by a proposed amended motion. However, movant also filed a motion for enlargement of time in which to file his amended motion. Accordingly, movant's motion for leave to amend will be denied, but movant will be granted an extension of time in which to renew his motion to amend and to provide a proposed amended

1 motion under 28 U.S.C. § 2255. Furthermore, although movant may submit a separate  
2 memorandum to support his motion for relief, the court's form must contain all relevant claims,  
3 and must provide the court with all necessary information. The court cannot refer to the original  
4 motion in order to make the amended motion complete. The amended motion must be complete  
5 in itself without reference to any prior pleading.

6 Good cause appearing, IT IS HEREBY ORDERED that:

- 7 1. Movant's request to proceed in forma pauperis is granted.
- 8 2. Movant's April 21, 2008 motion to amend is denied without prejudice.
- 9 3. Movant's April 21, 2008 motion for an extension of time is granted.
- 10 4. Within ninety days from the date of this order, movant shall renew his motion  
11 to amend and append his proposed amended § 2255 motion.
- 12 5. Any amended motion must be filed on the form employed by this court and  
13 must state all claims and prayers for relief on the form. It must bear the case number assigned to  
14 this action and must bear the title "Amended Motion."
- 15 6. The Clerk of the Court is directed to send movant the form for filing a § 2255  
16 motion.

17 DATED: May 23, 2008.

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20 UNITED STATES MAGISTRATE JUDGE

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